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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 ALLAH,

11 Petitioner,

12 v.

13 DONALD R HOLBROOK, et al.,

14 Respondents.

CASE NO. C15-1579 MJP

ORDER ADOPTING REPORT AND  
RECOMMENDATION, DISMISSING  
CASE

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16 THIS MATTER comes before the Court on Petitioner's Objections to the Report and  
17 Recommendation of the Honorable James P. Donohue, Chief United States Magistrate Judge.  
18 (Dkt. No. 9.) Having considered the Report and Recommendation, the Objections, and the  
19 related record, the Court ADOPTS the Report and Recommendation and DISMISSES this case  
20 without prejudice for failure to comply with the filing fee requirements of 28 U.S.C. §§ 1914 and  
21 1915.

22 Petitioner submitted a petition for writ of habeas corpus on October 1, 2015, without the  
23 required filing fee or an application to proceed in forma pauperis. (Dkt. No. 1.) On October 6,  
24 2015, the Clerk sent Petitioner a letter advising him of the deficiencies in his submission, and

1 advising him that he would have to submit the filing fee or an application to proceed in forma  
2 pauperis on or before November 5, 2015, or risk dismissal of the action. (Dkt. No. 3.) Petitioner  
3 filed a “Response” to the deficiency letter on October 15, 2015, in which he states that he  
4 “refuses to provide an application for in forma pauperis” and advises that he has paid the filing  
5 fee with a “certified promissory note” attached to his initial habeas petition. (Dkt. No. 4.)  
6 Petitioner submitted additional filings on October 23, 2015, and November 13, 2015, neither of  
7 which contained a completed application to proceed in forma pauperis. (Dkt. Nos. 6, 7.) To  
8 date, Petitioner has not paid the \$5.00 filing fee.

9 Because Petitioner did not pay the filing fee and refused to provide an in forma pauperis  
10 application on or before November 5, 2015, as directed by the Clerk, Judge Donohue  
11 recommended dismissal of this action without prejudice for failure to comply with the filing fee  
12 requirements of 28 U.S.C. §§ 1914 and 1915. (Dkt. No. 8.) Petitioner filed Objections to the  
13 Report and Recommendation, in which he explains that he was unable to provide the application  
14 to proceed in forma pauperis by November 5, 2015, because he was transferred to a different  
15 section of his correctional institution and was not permitted to take his legal materials with him.  
16 (Dkt. No. 9.) Petitioner requests that the Court grant him additional time to submit an  
17 application to proceed in forma pauperis based on the loss of his legal materials. (Id.)

18 The Court finds Petitioner’s Objections unavailing. Petitioner received the deficiency  
19 letter and refused to comply with the obligations that govern proceedings in this Court. If  
20 Petitioner lost the in forma pauperis application, as he now asserts in his Objections, he could  
21 have alerted the Court within the time allowed and requested an additional copy of the  
22 application. As demonstrated by the four filings submitted by Petitioner in the time between his  
23 receipt of the deficiency letter and the issuance of the Report and Recommendation, Petitioner  
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1 was able to file documents with the Court during this period. (Dkt. Nos. 4, 5, 6, 7.) None of the  
2 documents filed during this period indicate that Petitioner had lost the in forma pauperis  
3 application or was experiencing difficulty complying with the requirements. (Id.)

4 Accordingly, the Court ADOPTS the Report and Recommendation of the Honorable  
5 James P. Donohue and DISMISSES this action without prejudice for failure to comply with the  
6 filing fee requirements of 28 U.S.C. §§ 1914 and 1915. The clerk is ordered to provide copies of  
7 this order to Petitioner and to Judge Donohue.

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9 Dated this 15th day of December, 2015.

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12 Marsha J. Pechman  
13 Chief United States District Judge  
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